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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,539	11/26/2003	Michael E. Natoli	P06681US0	8663

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ZARLEY LAW FIRM P.L.C.  
CAPITAL SQUARE  
400 LOCUST, SUITE 200  
DES MOINES, IA 50309-2350

EXAMINER
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GEHMAN, BRYON P

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/723,539	Applicant(s) NATOLI	
	Examiner Bryon P. Gehman	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.  
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-17 is/are rejected.  
 7) ☒ Claim(s) 1-13 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3728

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 19, it is not seen that plural apertures having plural slots define a single key hole entry, but rather each aperture has plural slots that define a key hole entry. In line 21, "of the plurality of apertures" is redundant in view of "the plurality of apertures" in line 19. See also claim 9, lines 11 and 13 for the same indefiniteness.

In claim 9, lines 7-8, "the punches" lacks antecedent basis, as no particular punches are defined by line 2.

In claim 14, line 7, "the hollow" lacks antecedent basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banck in view of Mackie (1,955,646) and Blasko et al. (5,228,590). Banck discloses a

Art Unit: 3728

housing having a hollow interior, an insert (17-20) disposed within the hollow interior to create a first compartment (between 17 and 18) and defines a second compartment (at 19), the housing having a lid (2). Banck discloses the claimed individual housing except for a retractable door pivotally connected to an end wall of each housing. Mackie discloses a housing with a pivotally connected retractable door (at 8 and 10). To substitute the door of Mackie for the door (20) of Banck would have been obvious in order to facilitate access to the interior of the housing in the manner suggested by Mackie. Blasko et al. disclose detachably connecting a plurality of dispensing housings to one another, including providing a lid with notches (30) to receive a protrusion (22f, 28f) of another housing to facilitate stacking one on top of the other, and sidewall structure to join one housing to another (see column 4, lines 15-36), the sidewall structure being in various well known forms. To modify the housing of Banck in the manner disclosed by Blasko et al. to form a container of housings would have been obvious in order to provide plural laterally and vertically stacked dispensers in a secured single unit, as suggested by Blasko et al..

As to claim 15, to provide a handle on the container would have been obvious in order to facilitate carrying of the container, such being given as official notice as being within the level of ordinary skill in the art.

As to claims 16 and 17, Blasko et al. disclose a clasp and slot arrangement (see column 4, lines 30-36).

5. Claims 14-17 are further rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 14-17 above, and further in view of Shank (5,088,619). Shank discloses dowels (column 6, lines 20-46) to join housings in a lateral manner. To join the plurality of housings of the combination employing dowels as taught by Shank would have been obvious as one of various well known means to laterally join housings in the manner suggested by Blasko et al. in the combination.

As to claim 15, to provide a handle on the container would have been obvious in order to facilitate carrying of the container, such being given as official notice as being within the level of ordinary skill in the art.

As to claims 16 and 17, Blasko et al. disclose a clasp and slot arrangement (see column 4, lines 30-36).

6. Applicant's arguments with respect to claims 14-17 have been considered but are moot in view of the new ground(s) of rejection. To join housings laterally employing various structures is taught by Blasko et al. and Shank.

7. Claims 1-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571)

Art Unit: 3728

271-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 271-4562. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryon P. Gehman  
Primary Examiner  
Art Unit 3728

BPG